

REMARKS

Reconsideration and allowance of the above-identified application are respectfully requested.

Claims 1-20 are currently pending, wherein claims 1 and 10 are independent. Claims 1, 5, 6, 7, and 10 have been amended. Support for the amendments can be found in the present application as originally filed, for example, on page 13, lines 14-17, Figure 3, page 14, lines 2-5, and page 15, lines 11-13. No new matter has been introduced by way of these amendments.

In the fifth section of the Office Action, the specification of the present application is objected to for the reasons discussed in the Office Action mailed August 31, 2006 (the “August 31st Office Action”). In the sixth section of the Office Action, the drawings of the present application are objected to for the reasons discussed in the August 31st Office Action. In the seventh section of the Office Action, claims 1, 10, and 20 are objected to for the reasons discussed in the August 31st Office Action.

Applicant respectfully notes that in the Advisory Action mailed November 28, 2006, the Patent Office specifically indicated that “[t]he objections to the drawings, title, and the claims 1, 10, and 20 are withdrawn.” [Advisory Action mailed November 28, 2006, page 2 on “Continuation Sheet”] A copy of the Advisory Action with the aforementioned statement highlighted is attached for the convenience of the Patent Office. Accordingly, in the next communication, Applicant respectfully requests that the Patent Office properly indicate that the aforementioned objections are withdrawn.

In the ninth section of the Office Action, claims 1-6, 8, and 10-17 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Ogawa (U.S. Patent No. 5,936,966, hereinafter “Ogawa”) for the reasons discussed in the August 31st Office Action. These rejections are respectfully traversed.

The standard for “anticipation” is one of fairly strict identity. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art of reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); *see also* M.P.E.P. § 2131. Furthermore, anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, as arranged in the claim. *W.L. Gore & Assocs. V. Garlock*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983). Using these standards, Applicant respectfully submits that Ogawa fails to teach, either expressly or inherently, each and every element of the currently pending claims, some distinctive features of which are set forth in more detail below.

As understood by Applicant, Ogawa is directed to a data receiving device that enables simultaneous execution of processes of a plurality of protocol hierarchies and generates header end signals. In particular, Ogawa teaches a sequencer 32 that is provided with a plurality of protocol processing circuits for independently carrying out at least a part of processes to respective protocol hierarchies of the protocol in response to sequence selection by a sequence selection circuit 28 according to a result of received protocol type identification in a protocol recognition circuit 26. [See Ogawa, Abstract]

Independent claim 1 of the present application recites an assembly. The Patent Office alleges that Ogawa at column 3, lines 44-49 and column 4, line 65 to column 5, line 22 teaches an element similar to the recited assembly. [See August 31st Office Action, page 8, item 10] Based on the cites provided, the Office Action appears to be asserting that the data receiving device 106 illustrated in Figure 1, 26, and 27 of Ogawa is allegedly similar to the claimed assembly.

Claim 1 recites the feature of “a database circuit configured to store a plurality of pointer values for a plurality of first parameters defined by a first network protocol associated with a first network, wherein each one of said first parameters is associated with a corresponding one of said pointer values.” Contrary to the assertions of the Patent Office, nowhere does Ogawa teach such a database circuit. For example, column 6, lines 38-67, as cited by the Patent Office, is absolutely silent regarding any type of database circuit in the data receiving device 106. Rather, Ogawa specifically teaches that the data receiving device 106 has an input data control circuit 22, a capture register circuit 24, a protocol recognition circuit 26, a sequence selection circuit 28, a sequence counter 30, a sequencer 32, a frame end detection circuit 34, a header end timing detection circuit 36, an interrupt generation circuit 38, and an external circuit 40. [See, e.g., Ogawa, Figure 1] Nowhere does Ogawa teach that the data receiving device 106 includes a database circuit as claimed. Therefore, it is respectfully submitted that Ogawa does not teach the feature of “a database circuit configured to store a plurality of pointer values for a plurality of first parameters defined by a first network protocol associated with a first network, wherein each

one of said first parameters is associated with a corresponding one of said pointer values," as recited in claim 1 of the present application.

In addition, it is respectfully submitted that the Patent Office relies on an improper and unsupported construction of the language recited in claim 1 in its rejection. In particular, the Patent Office improperly changes the wording of the phrase "each one" to the phrase "only one." [See August 31st Office Action, page 9, first paragraph]. It is well established that "the words of the claim must be given their plain meaning unless the plain meaning is inconsistent with the specification." [M.P.E.P. § 2111.01(I)]. "[T]he ordinary and customary meaning of a claim term is the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention, i.e., as of the effective filing date of the patent application." [M.P.E.P. § 2111.01(III), citing *Phillips v. AWH Corp.*, 75 U.S.P.Q.2d 1321, 1326 (Fed. Cir. 2005)] Webster's New Collegiate Dictionary, copyright 1979, defines "each one" as a pronoun of "each." The word "each" is defined as "being one of two or more distinct individuals having a similar relation and often constituting an aggregate." [Webster's New Collegiate Dictionary, page 353 (see attached)] In contrast, the word "only" is defined as "as single fact or instance and nothing more or different." [Webster's New Collegiate Dictionary, page 795 (see attached)] Hence, the "ordinary and customary meaning" of the phrase "each one" is very different from that of the phrase "only one." The Patent Office has provided absolutely no evidence to support its position that the phrases are synonymous. It is respectfully submitted that a skilled artisan would **not** consider the phrase "each one" to mean "only one," as alleged by the Patent Office. Accordingly, it is respectfully submitted that the Patent Office's baseless and unsupported

construction of the phrase “each one” is wholly and completely improper, and is hereby traversed. Since the Patent Office has not considered the plain, ordinary and customary meaning of the actual claim language, the rejection of claim 1 cannot be sustained.

Independent claim 1 further recites the feature of “a processing circuit configured to (i) process a particular one of said first parameters in an incoming packet received by said assembly from the first network in accordance with said corresponding pointer value to produce a second parameter defined by a second network protocol associated with a second network and (ii) present an outgoing packet from said assembly to the second network containing said second parameter.” Contrary to the assertions of the Patent Office, nowhere does Ogawa teach such a processing circuit. For example, column 13, lines 26-55, as cited by the Patent Office, is absolutely silent regarding such a processing circuit in the data receiving device 106. In particular, Figures 1, 26, and 27 do not illustrate, nor does Ogawa teach, that the data receiving device 106 presents an outgoing packet having a second parameter defined by a second network protocol associated with a second network, in which the second parameter is based on a first parameter (in an incoming packet) defined by a first network protocol associated with a first network. Therefore, it is respectfully submitted that Ogawa does not teach the feature of the processing circuit as recited in claim 1 of the present application.

Independent claim 10 recites the feature of “a first circuit configured to delineate a receive frame received from a first network having a first network protocol to produce an incoming packet.” Contrary to the assertions of the Patent Office, nowhere does Ogawa teach such a first circuit. For example, column 12, lines 41-49 and column 2, lines 5-14, as cited by

the Patent Office, are absolutely silent regarding a circuit in the data receiving device 106 configured to delineate a receive frame from a first network. Rather, Ogawa specifically teaches that a data frame received through an input port 102 is stored in a memory 112, processed, and then transmitted as a modified data frame through an output port 104. [See Ogawa, column 20, lines 18-51] Nowhere does Ogawa teach that the data frame is delineated to produce an incoming packet. Furthermore, it is respectfully noted that none of the input port 102, the memory 112, or the output port 104 are part of the data receiving device 106. Accordingly, it is respectfully submitted that Ogawa does not teach the feature of “a first circuit configured to delineate a receive frame received from a first network having a first network protocol to produce an incoming packet,” as recited in independent claim 10.

Claim 10 also recites the feature of “a second circuit configured to (i) stored a plurality of pointer values for a plurality of first parameters defined by said first network protocol, wherein each one of said first parameters is associated with a corresponding one of said pointer values, (ii) process a particular one of said first parameters in said incoming packet in accordance with said corresponding pointer value to produce a second parameter defined by a second network protocol associated with a second network, and (iii) present an outgoing packet containing said second parameter.” Contrary to the assertions of the Patent Office, nowhere does Ogawa teach such a second circuit. For example, column 12, lines 41-49, and column 2, lines 5-14, as cited by the Patent Office, are absolutely silent regarding a second circuit in the data receiving device 106 that stores pointers, processes parameters, and produces outgoing packets. As discussed previously, Figures 1, 26, and 27 do not illustrate, nor does Ogawa teach, that the data receiving

device 106 presents an outgoing packet having a second parameter defined by a second network protocol associated with a second network, in which the second parameter is based on a first parameter (in an incoming packet) defined by a first network protocol associated with a first network. Therefore, it is respectfully submitted that Ogawa does not teach the feature of the second circuit as recited in claim 10 of the present application.

In addition, it is respectfully submitted that the Patent Office once again relies on an improper and unsupported construction of the language recited in claim 10 in its rejection. In particular, the Patent Office improperly changes the wording of the phrase "each one" to the phrase "only one." [See August 31st Office Action, page 9, first paragraph]. As discussed previously, it is respectfully submitted that a skilled artisan would **not** consider the phrase "each one" to mean "only one," as alleged by the Patent Office. Accordingly, it is respectfully submitted that the Patent Office's baseless and unsupported construction of the phrase "each one" is wholly and completely improper, and is hereby traversed. Since the Patent Office has not considered the plain, ordinary and customary meaning of the actual claim language, the rejection of claim 10 cannot be sustained.

Claim 10 further recites the features of "a third circuit configured to frame said outgoing packet to present a transmit frame to the second network." Contrary to the assertions of the Patent Office, nowhere does Ogawa teach such a third circuit. For example, column 12, lines 41-49, and column 2, lines 5-14, as cited by the Patent Office, are absolutely silent regarding a third circuit in the data receiving device 106 configured to frame outgoing packets. Rather, Figure 27 of Ogawa illustrates that there is no connection between the data receiving device 106 and a

(second) network connected to one of the output ports 104. Furthermore, column 20, lines 45-51 explicitly states that the output ports 104 receive data frames (not packets to be encapsulated by the data frames) from the memory 112. Therefore, it is respectfully submitted that Ogawa does not teach the feature of a third circuit as recited in independent claim 10 of the present application.

In sum, it is respectfully submitted that Ogawa does not teach each and every element of the inventions claimed in independent claims 1 and 10, and as arranged in those claims. Accordingly, it is respectfully submitted that Ogawa does not anticipate the subject matter of claims 1 and 10.

Dependent claims 2-6, 8, 9, and 11-17 variously depend from independent claims 1 and 10, and are, therefore, patentably distinguishable over Ogawa for at least those reasons stated above with regard to claims 1 and 10.

For at least the foregoing reasons, it is respectfully submitted that Ogawa does not anticipate the subject matter of claims 1-6, 8, and 10-17. Accordingly, reconsideration and withdrawal of these grounds of rejection are respectfully requested.

In the eleventh section of the Office Action, claim 7 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ogawa in view of Office Notice, for the reasons discussed in the August 31st Office Action. These rejections are respectfully traversed.

Dependent claim 7 depends from independent claim 1, and is, therefore, patentably distinguishable over Ogawa in view of the Official Notice for at least those reasons stated above with regard to claim 1.

In particular, to establish a case of *prima facie* obviousness of a claimed invention, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. Second, there must be a reasonable expectation of success. As stated in MPEP 2143.01, the fact that references can be hypothetically combined or modified is not sufficient to establish a *prima facie* case of obviousness. *See In re Mills*, 916 F.2d. 680 (Fed. Cir. 1990). Finally, the prior art references must teach or suggest all the claim limitations. *In re Royka*, 490 F.2d. 981 (CCPA 1974); MPEP 2143.03. Specifically, “all words in a claim must be considered when judging the patentability of that claim against the prior art.” *In re Wilson* 424 F.2d., 1382 (CCPA 1970). Moreover, in response to the recent U.S. Supreme Court decision in *KSR Int'l Co. v. Teleflex, Inc.* (U.S. 2007), new guidelines were set forth for examining obviousness under 35 U.S.C. § 103. The U.S. Supreme Court reaffirmed the *Graham* factors and, while not totally rejecting the “teachings, suggestion, or motivation” test, the Court appears to now require higher scrutiny on the part of the U.S. Patent & Trademark Office. In accordance with the recently submitted guidelines, it is “now necessary to identify the reason” why a person of ordinary skill in the art would have combined the prior art elements, or at least describe the pertinence of the prior art elements set forth in the cited disclosure, in the manner presently claimed.

It is respectfully submitted that the Patent Office has provided nothing more than broad, conclusory statements regarding the alleged obviousness of combining/modifying the reference. It is respectfully submitted that the proposed motivations of “support handling of the packet related information” and “help processing information that is related to the packets” are nothing

more than general statements, unsupported by any evidence, particularly any evidence identifying the source of the alleged motivation. It is respectfully noted that such statements could cover virtually any alteration contemplated and do not address why the specific proposed modification would have been supposedly obvious to skilled artisan.

For at least the foregoing reasons, it is respectfully submitted that Ogawa, whether considered alone or in combination with Official Notice, does not render the subject matter of claim 7 obvious. Accordingly, reconsideration and withdrawal of these grounds of rejection are respectfully requested.

In the twelfth section of the Office Action, claim 18 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ogawa in view of Gabrick et al. (U.S. Application Publication No. 2002/0161802, hereinafter "Gabrick") for the reasons discussed in the August 31st Office Action. These rejections are respectfully traversed.

Dependent claim 18 depends from independent claim 10, and is, therefore, patentably distinguishable over Ogawa in view of Gabrick for at least those reasons stated above with regard to claim 10.

For at least the foregoing reasons, it is respectfully submitted that Ogawa and Gabrick, whether considered alone or in combination, do not render the subject matter of claim 18 obvious. Accordingly, reconsideration and withdrawal of these grounds of rejection are respectfully requested.

In the thirteenth section of the Office Action, claim 19 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ogawa in view of Wilford et al. (U.S. Patent No.

6,687,247, hereinafter "Wilford") for the reasons discussed in the August 31st Office Action. These rejections are respectfully traversed.

Dependent claim 19 depends from independent claim 10, and is, therefore, patentably distinguishable over Ogawa in view of Wilford for at least those reasons stated above with regard to claim 10.

For at least the foregoing reasons, it is respectfully submitted that Ogawa and Wilford, whether considered alone or in combination, do not render the subject matter of claim 19 obvious. Accordingly, reconsideration and withdrawal of these grounds of rejection are respectfully requested.

In the fourteenth section of the Office Action, claim 20 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ogawa in view of Yanagihara et al. (U.S. Patent No. 5,8989,578, hereinafter "Yanagihara") for the reasons discussed in the August 31st Office Action. These rejections are respectfully traversed.

Dependent claim 20 depends from independent claim 10, and is, therefore, patentably distinguishable over Ogawa in view of Yanagihara for at least those reasons stated above with regard to claim 10.

For at least the foregoing reasons, it is respectfully submitted that Ogawa and Yanagihara, whether considered alone or in combination, do not render the subject matter of claim 20 obvious. Accordingly, reconsideration and withdrawal of these grounds of rejection are respectfully requested.

In the fifteenth section of the Office Action, claim 9 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ogawa in view of Official Notice for the reasons discussed in the August 31st Office Action. These rejections are respectfully traversed.

Dependent claim 9 depends from independent claim 1, and is, therefore, patentably distinguishable over Ogawa in view of Official Notice for at least those reasons stated above with regard to claim 1.

In addition, it is respectfully submitted that the Patent Office has provided nothing more than broad, conclusory statements regarding the alleged obviousness of combining/modifying the reference. It is respectfully submitted that the proposed motivations of “support handling pointers and parameters” and “enhance processing of the pointers and parameters faster” are nothing more than general statements, unsupported by any evidence, particularly any evidence identifying the source of the alleged motivation. It is respectfully noted that such statements could cover virtually any alteration contemplated and do not address why the specific proposed modification would have been supposedly obvious to skilled artisan.

For at least the foregoing reasons, it is respectfully submitted that Ogawa, whether considered alone or in combination with the Official Notice, does not render the subject matter of claim 9 obvious. Accordingly, reconsideration and withdrawal of these grounds of rejection are respectfully requested.

All of the objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance and a notice to that effect is earnestly solicited. Should the Examiner have any questions regarding this response or the application in general, the Examiner is urged to contact the Applicant's attorney, Andrew J. Bateman, by telephone at (408) 943-6878. All correspondence should continue to be directed to the address given below.

Respectfully submitted,

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CHRISTOPHER P. MAIORANA, P.C. 24840 HARPER SUITE 100 ST. CLAIR SHORES, MI 48080				PATEL, HARESH N
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DATE MAILED: 11/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 09/881,493	Applicant(s) JHA, PANKAJ K.
Examiner Haresh Patel	Art Unit 2154

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

THE REPLY FILED 27 October 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment; affidavit; or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee); in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) The period for reply expires ____ months from the mailing date of the final rejection.
 b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final Office action, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) They raise the issue of new matter (see NOTE below);
 (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. Applicant's reply has overcome the following rejection(s): _____.
 6. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) (or will be) as follows:

Claim(s) allowed: None.

Claim(s) objected to: None.

Claim(s) rejected: 1-20.

Claim(s) withdrawn from consideration: None.

AFFIDAVIT OR OTHER EVIDENCE

8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because:

 12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
 13. Other: _____

Continuation of 3. NOTE: the claims 1-20 dated 6/30/2006 are rejected with the cited prior arts of the final office action dated 8/31/06, and the cited prior arts still render the claims unpatentable (dated 6/30/2006) and the final rejection is deemed proper regarding the 35 U.S.C. 102 and 35 U.S.C. 103 rejections. Please also refer to the examiner's responses dated 7/29/2005 of the copending application 09/881367 for which the applicant filed a terminal disclaimer on 11/24/2005 and which is directly related and/or similar to the claimed subject matter, and which is also incorporated into this application under prosecution. Please also refer to the examiner's response at the last paragraph of page 1 through page 4 of the final office action dated 8/31/2006. Applicant's proposed amending the rejected claimed subject matter, with additional limitations, for example, "at least one of said peripheral blocks", etc., (as it alters the scope of the claimed subject matter and in fact making the claimed limitations narrower compared to the previously presented claims for which the final office action dated 8/31/06 was issued), which require further consideration and/or search.

The objections to the drawings, title, and the claims 1, 10 and 20 are withdrawn.

Further regarding the applicant's remarks regarding the rejections, the reply filed on 10/27/2006 is not fully responsive because it fails to include a complete or accurate record of the substance of the attorney/applicant initiated telephone interviews dated 9/11/2006 and 9/25/2006. The attorney/applicant did not include any record of the several telephone calls made by Mr. John Ignatowski to the examiner and Mr. John Follansbee for the telephone interview dated 9/11/2006, and there is no reference to the interview summary paper dated 9/14/2006. The attorney/applicant did not include what the attorney/applicant requested for the interview dated 9/25/2006 (i.e., the attorney/applicant concern regarding claim 1 and Ogawa reference, please see Mr. John Ignatowski's letter dated 9/18/2006 that contains handwritten "Walk thru claim 1 and explain how Ogawa is being applied", "Issues, rejection, claim 1, Ogawa", etc.) and there is no reference to the interview summary paper dated 9/28/2006 and the letter requesting the interview by Mr. John Ignatowski paper dated 9/18/2006.

Note: claims 2-9 depend upon claim 1 and also includes the claimed subject matter of the attorney/applicant presented claim 1 in the interview request dated 9/18/2006. Claims 10 contain similar subject matter of the attorney/applicant presented claim 1 in the interview request dated 9/18/2006 and claims 11-20 depend upon the claim 10.

An initialed and dated copy of the applicant's IDS form 1449, paper dated 10/27/2006 is attached to this Office action.

